



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 6, 1998

Ms. Tana K. Van Hamme  
The Ronquillo Law Firm, P.C.  
Harwood Center  
1999 Bryan Street, Suite 3450  
Dallas, Texas 75201

OR98-0046

Dear Ms. Van Hamme:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111741.

The Dallas Independent School District (the "school district") received a request for the complete personnel file of a school district administrator. You claim that some of the requested information is excepted from disclosure under sections 552.024, 552.101, 552.102, and 552.117 of the Government Code. We have considered the exceptions you claim and have reviewed the sample documents you have submitted.<sup>1</sup>

Sections 552.024 and 552.117 provide that a current or former public employee or official can opt to keep private his or her home address, home telephone number, social security number, and information that reveals that the individual has family members. You must withhold this information if, as of the time of the request for the information, the named individual had elected to keep this information private. Open Records Decision Nos. 530 (1989) at 5, 482 (1987) at 4, 455 (1987). Also, if the individual's social security number was obtained or maintained by the school district pursuant to any provision of law, enacted on or after October 1, 1990, it is confidential pursuant to section 405(c)(2)(C)(viii) of title 42 of the United States Code.

The submitted records include the administrator's college transcripts. You state that you have redacted a portion of these records in accordance with section 552.102(b) of the Government Code. Section 552.102(b) excepts from disclosure a transcript from an institution of higher education maintained in the personnel file of a professional public

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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

school employee, with the exception of the degree obtained and the curriculum. We therefore agree that, prior to releasing the transcripts, the school district must redact from the transcripts all information other than the employee's name, the degree obtained, and the courses taken. Open Records Decision No. 526 (1989) at 2-3.

Section 552.101 of the Government Code excepts from disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. This section encompasses information protected by other statutes. Section 21.355 of the Education Code provides, "[a]ny document evaluating the performance of a teacher or administrator is confidential." This office has interpreted this section to apply to any document that evaluates, as that term is commonly understood, the performance of a teacher or administrator. Open Records Decision No. 643 (1996). This office also concluded that an administrator is someone who is required to hold and does hold a certificate required under chapter 21 of the Education Code and is administering at the time of his or her evaluation. *Id.* Based on the reasoning set out in Open Records Decision No. 643 (1996), we conclude that the representative sample document submitted as Exhibit D is confidential under section 21.355 of the Education Code. Therefore, pursuant to section 552.101 of the Government Code, the school district must withhold this information from public disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

  
Vickie Prehoditch  
Assistant Attorney General  
Open Records Division

VDP/ glg

Ref.: ID# 111741

Enclosures: Submitted documents

cc: Ms. Kay Vinson  
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(w/o enclosures)